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Black Panther Damage Suit Against FBI Dismissed

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A federal judge yesterday dismissed the Black Panther Party's \$100 million suit against the government for allegedly conspiring to destroy the organization.

U.S. District Judge John Lewis Smith said he dismissed the suit because party representatives and 10 individual plaintiffs had refused to answer government questions fully.

The suit, filed against 21 former and present officials of the FBI, the CIA and the Army, charged the government with waging a campaign to destroy the party.

Smith's ruling marks the apparent end of the four-year suit. Government and Panther attorneys had frequently exchanged bitter legal briefs over attempts by one side to acquire information from the other.

Among the questions the Panthers refused to answer were demands for the identities of all past and present party members and officials.

Panther attorney Bruce Terris said the requests were rejected because "an organization that has been subjected to massive harassment by the U.S. government should not have to give out further names that might be used in subsequent harassment attempts."

Terris accused government attorneys of practicing "graymail" in the suit. That term usually applies to a defense utilized by law enforcement

and intelligence employees charged with criminal offenses. To get indictments dismissed, defense attorneys use the "graymail" tactic by requesting classified government information, the release of which might compromise national security or intelligence gathering functions.

Terris, who said Smith's ruling would be appealed, said the suit grew out of a Senate Intelligence Committee's report, which found the federal government had "egregiously" violated the Panthers' civil rights through a campaign of murder, bugging and wiretapping.

"They looked for and found a set of questions that we couldn't answer, as a 'graymail' defendant would, just to abort the case," Terris said.

"The Justice Department has done all in its power to prevent an adjudication of this case, Terris said. "Their actions in this case are almost as egregious as the original actions."

In dismissing the suit, Smith also ordered the Panthers to pay the government's costs of litigating the dispute.

The Panther Party is headquartered in the Oakland-Berkeley, Calif., area, where it was founded in the early 1960s.

In the late 1960s, FBI Director J. Edgar Hoover branded the Panthers the greatest domestic threat to national security.